REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Applicants gratefully acknowledge the telephone interview on June 28, 2007, between Examiner Dunston and applicants' undersigned attorney. The substance of that interview is summarized below.

The rejection of claims 1 and 3-7 under 35 U.S.C. 112, (1st para.) for failure to satisfy the written description requirement is respectfully traversed in view of the above amendments. As a result of the above-noted telephonic interview, it was agreed that the above amendments would obviate the written description requirement rejection.

The rejection of claims 1 and 3-7 under 35 U.S.C. § 102(b) as anticipated by Li et al., "NRIF3 is a Novel Coactivator Mediating Functional Specificity of Nuclear Hormone Receptors," *Mol. Cell Biol.* 19:7191-7202 (1999) ("Li") is respectfully traversed in view of the above amendments, limiting claim 1.

Li teaches the cloning and analysis of a novel nuclear receptor co-activator (designated NRIF3) that exhibits a distinct receptor specificity. Li indicates that the NRIF3 specifically interacts with the thyroid hormone receptor (TR) and retinoid X receptor (RXR) in a ligand-dependent fashion but does not bind to the retinoic acid receptor, vitamin D receptor, progesterone receptor, glucocorticoid receptor, or estrogen receptor.

The United States Patent and Trademark Office ("PTO") asserts that the NRIF3 nucleic acid molecule of Li encodes a protein or polypeptide that modulates transcriptional activation in a cell and has a nucleic acid sequence that has a nucleotide sequence of: SEQ ID NO: 1, SEQ ID NO: 4, and a nucleotide sequence (e.g., two nucleotides) with 100% identity to SEQ ID NOs: 1 or 4.

Li does not, however, teach the claimed isolated nucleic acid molecule selected from the group consisting of: 1) a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO: 1; 2) a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO: 4; and 3) a nucleic acid molecule encoding a protein comprising the amino acid sequence of SEQ ID NO: 3. Since Li fails to teach each limitation of the claimed invention, it cannot be anticipatory. Accordingly, the rejection based on this reference is improper and must be withdrawn.

The rejection of claims 1 and 3-7 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,783,969 to Tang et al. ("Tang") is respectfully traversed in view of the above amendments.

Tang discloses novel nucleic acids and novel polypeptide sequences encoded by these nucleic acids and their uses. The PTO continues to assert that Tang teaches a human polynucleotide sequence SEQ ID NO: 67 with 96.9% identity to SEQ ID NO: 1. Further, the PTO assumes that the protein encoded by Tang's sequence modulates transcriptional activation, as set forth in claim 1.

Tang does not, however, teach the claimed isolated nucleic acid molecule selected from the group consisting of: 1) a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO: 1; 2) a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO: 4; and 3) a nucleic acid molecule encoding a protein comprising the amino acid sequence of SEQ ID NO: 3. Since Tang does not teach these features, it cannot anticipate the claimed invention. Accordingly, the rejection based on this reference is improper and must be withdrawn.

In view of all of the foregoing, it is submitted that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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